

Application No.: 09/821,753Docket No.: 2328-053REMARKS

The paragraph bridging pages 13 and 14 of the specification has been amended to include language that tracks the "steady state" language of independent claims 1, 14 and 17. This language is clearly supported by the descriptions of Figures 2 and 3 in the paragraph bridging pages 13 and 14. Applicants note that paragraph 2 of the Ni Declaration submitted on October 22, 2003 includes expert testimony that one of ordinary skill in the art would know that the steady state language of claims 1, 14 and 17 is evident from the disclosure. Based on the foregoing, the rejection of claims 1-13 and 17-29 based on 35 USC 112, ¶1 is in error and/or is overcome.

Independent claims 1, 14, and 17 have been amended to obviate the rejection thereof under 35 USC 103(a) as being unpatentable over Bhardwaj et al (US 6,051,503) in view of Howald et al (WO 00/58992). The independent claims are now limited to etching a workpiece in a vacuum plasma processor chamber wherein a gas species is converted into an AC etchant plasma that is continuously applied to the workpiece while a feature of the workpiece is being formed. In contrast, the Bhardwaj et al reference discloses forming a trench by alternately ion etching and depositing a passivation layer by the chemical vapor deposition. The Howald reference does not cure the foregoing deficiency of Bhardwaj et al.

Claims 12 and 26-28, as well as newly added claims 30 and 31 and claim 13 that depend on claim 12, limit the maximum duration of the gradual power changes to steps no greater than one second. Page 13, lines 15 and 16 of the application as filed indicates that steps longer than one second do not provide the desired rounding effect. There is nothing in the applied references to indicate such a result occurs by limiting the step duration as stated.

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In view of the foregoing amendments and remarks, favorable consideration is respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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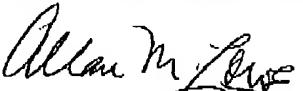
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